

ORDINANCE NO. 2831

**BOROUGH OF WILKINSBURG
ALLEGHENY COUNTY, PENNSYLVANIA**

AN ORDINANCE OF THE BOROUGH OF WILKINSBURG, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, ESTABLISHING A COMMUNITY ART AND CIVIC DESIGN COMMISSION FOR THE PURPOSE OF REVIEWING, MAKING RECOMMENDATIONS AND APPROVING PROPOSED DESIGNS FOR NEW AND RENOVATED STRUCTURES, LANDSCAPES, WORKS OF ART, MEMORIALS, AND MONUMENTS ON ALL PUBLIC PROPERTY AND ON ALL PRIVATE PROPERTY DESIGNATED FOR COMMERCIAL USE.

WHEREAS, the Borough of Wilkinsburg recognizes the importance of supporting public works of art in the community; and,

WHEREAS, the Borough of Wilkinsburg recognizes the need to develop guidelines and procedures for public art that take into consideration best practices in the field and the unique characteristics of Wilkinsburg; and,

WHEREAS, the Borough of Wilkinsburg wishes to establish a Community Art and Civic Design Commission for the purpose of reviewing, making recommendations and approving proposed designs for new and renovated structures, landscapes, works of art, memorials, and monuments on all public property and on all private property designated for commercial use.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Council for the Borough of Wilkinsburg, and it is hereby ordained and enacted by the authority of same as follows:

SECTION 1. DEFINITIONS AND WORD USAGE.

The following terms shall have the meanings assigned them below for purposes of this chapter. The present tense shall be taken to include the future tense; the word "shall" shall be taken as mandatory; words in the singular shall be taken to include the plural, and vice versa.

APPLICANT: The public or private entity responsible for an art, architecture, or landscape architecture project on public or private property that must appear before the Community Art and Civic Design Commission, including but not limited to government agencies, individuals, and for profit or non-profit organizations.

ARTWORK / WORK OF ART: For the purpose of this policy a work of art is defined as a permanent or temporary object such as a sculpture, mural, mosaic, relief, or drawing

and functional objects including seating, lighting, planters, or fences; a physical or virtual space such as landscape, structure, installation, or website; and works in media with an undefined or malleable presence such as sound, light, and video projections, which are designed by an artist, regardless of the entity that fabricated the work. The definition or consideration of works of art does not include similar types of objects that are designed by members of allied fields such as architecture, engineering, landscape architecture, or graphic design.

BOROUGH: The Borough of Wilkinsburg.

COLLECTION: Works of art, monuments, memorials, architecture, and landscape architecture owned by the Borough of Wilkinsburg.

COMMISSION: The Community Art and Civic Design Commission.

COUNCIL: The Borough Council of the Borough of Wilkinsburg.

DEACCESSION: The procedure for the withdrawal of an artwork from the Borough of Wilkinsburg's collection.

GIFT: A work of art, memorial, or monument that is paid for or owned by an entity other than the Borough of Wilkinsburg and given on a permanent basis to the Borough of Wilkinsburg.

LANDSCAPE: any space, either public or private, from the building facade out.

LOAN: A work of art, memorial, or monument that is paid for or owned by an entity other than the Borough of Wilkinsburg and given on a temporary basis to the Borough of Wilkinsburg.

MANAGER: The Borough Manager of Wilkinsburg or his / her designee.

MEMORIAL: A memorial is defined as a permanent or temporary work of art, item, functional object, or designated space established to preserve the memory of a significant person, entity, or event that occurred or existed in the past.

MONUMENT: A monument is defined as a permanent or temporary object such as a plaque, functional object, building, or designated space established to commemorate a significant person, event, entity, or abstract concept or quality (e.g. peace, brotherhood, or equal rights).

PRIVATE PROPERTY: property owned by a private citizen or other private entity.

PROPOSED PROJECT: Any work of art, structure, landscape or other project that will be reviewed by the Commission.

PUBLIC AREA: Any public right of way, park, easement, or other area under control of the Borough of Wilkinsburg.

PUBLIC NOTICE: Written notification that describes an application to the Commission that is posted on the site where the proposed project may take place.

PUBLIC PROPERTY: Any area owned and under control of the Borough of Wilkinsburg.

STRUCTURE: any new, remodeled, or renovated building. This definition also incorporates street furnishings, streetlights, banners, signs, benches, bollards, bus shelters, railings, water features, newsracks, trash containers, walls, fences, trellises, and way-finding systems.

WRITTEN NOTICE: Written notification sent to property owners by first class mail and postmarked at least seven (7) days before any action is to be taken, or at least fifteen (15) days in the case of a notification of a public hearing.

SECTION 2. COMMUNITY ART AND CIVIC DESIGN COMMISSION

A. Membership and Terms

1. The Community Art and Civic Design Commission shall consist of eleven (11) members who are appointed by Borough Council or by the community organizations listed below. Members shall be eminent in their respective professions and known advocates for the arts and design. Should one of these community organizations cease to exist, it is the responsibility of Borough Council to appoint an active legal entity with a similar purpose.

The composition of the Commission should represent the diversity of Wilkinsburg's citizens and include the following members:

- a. One architect
- b. One landscape architect
- c. Two professional visual artists
- d. One representative appointed by the Wilkinsburg Community Development Corporation from their board or membership
- e. One representative appointed by the Chamber of Commerce from their board or membership
- f. One representative from the Wilkinsburg Historical Society from their board or membership
- g. One curator, arts administrator, or urban planner
- h. Three residents of Wilkinsburg, one representing each ward, who have an affiliation in arts or design.
- i. The Director of Code Enforcement, who serves in an ex-officio capacity
- j. The Borough Manager, who serves in an ex-officio capacity

2. Qualifications: All members of the Commission should meet the following qualifications:

a. All Commission members shall be either residents of the Borough or have their primary place of business in the Borough. There shall be at least eight members of the Commission who are Borough residents. In the event that in any of the professions required for the composition of the Commission, there is not a current Borough resident available, a former Borough resident may be appointed to such position. Council may appoint a member who is not a resident, business owner, or former resident if a search has found no qualified members in any of the professions required for the composition of the Commission.

b. Be citizens with an interest in and concern for the aesthetic development of the Borough.

c. Bring to their work as Commissioners a respect for public process and an understanding of the impact that works of art, structures, landscapes, and other projects created with design excellence can have on the development and reputation of the Borough.

d. In the event that the Chamber of Commerce, Wilkinsburg Community Development Corporation, or Wilkinsburg Historical Society ceases to exist, the Council will identify an organization in Wilkinsburg who currently serves the same or similar function of the organization originally listed.

3. Compensation: All Commission members shall serve without pay, but may be reimbursed for expenses previously authorized by Council from the funds budgeted annually for such purposes.

4. Terms: In order to assure a continuity of membership, the terms of the Commission shall be staggered as follows:

Four Commission members shall be appointed to serve an initial term of three years, those being the architect, one visual artist, one resident, and the representative from the WCDC.

Four members shall be appointed to serve an initial term of two years, those being the landscape architect, the curator or arts administrator or urban planner, and the representative from the Chamber of Commerce.

Three members shall serve an initial term of one year, those being one visual artist, one resident, and the representative from the Historical Society.

After the initial term, all subsequent appointments will be for three years. Members may serve two consecutive terms. Vacancies will be filled for the unexpired term

5. Quorum: A quorum shall consist of six (6) members of the Commission. At times when all seats on the Commission are not appointed, a quorum shall consist of a majority of appointed members as long as that majority consists of at least three members.

B. Organization, records, and meetings.

1. The Commission shall elect a Chairperson, Vice Chairperson, and Secretary and other officers as they deem necessary. The Commission shall meet with whatever frequency they consider necessary to accomplish the work at hand, but not less frequently than four times a year.
2. The Commission may seek the advice from consultants or experts to help them accomplish the work at hand. In addition, the Commission may create a volunteer group or committee of citizens to assist Commission members in their work. Such volunteers, however, shall not have voting rights on the Commission.
3. Minutes shall be kept of all meetings and made available to the Council and public for their reference. The Commission shall submit annually a full report of its activities and a summary of approved expenses for the last fiscal year of the Borough.
4. The meetings of the Commission shall be open to the public, and interested citizens of the Borough shall be encouraged to attend. The schedule of Commission meetings will be advertised by the Borough.
5. The Commission shall work with Borough staff to ensure that the community is aware of its meeting schedule and projects that are to be reviewed by the Commission. The Commission shall notify the public of pending applications by public notice. Residents, businesses, and tenants that are located within a 500 foot radius of the proposed project location shall be sent a written notice by Borough staff that includes a summary of the proposed project, the dates when the proposed project will be reviewed by the Commission, and the Commission meeting location. A public notice shall be posted at the proposed project location which includes a short summary of the proposed project, the dates when the Commission will review the proposed project, and the meeting location. The written notice and public notice will also include information about how citizens can give in-person or written testimony to the Commission regarding a proposed project.

SECTION 3. RESPONSIBILITIES AND ACTIVITIES.

A. Design Review and Approval

The Community Art and Civic Design Commission is legislative by nature. The Commission shall review, make recommendations, and approve proposed designs for new and renovated structures, landscapes, works of art, memorials, and monuments on all public property and on all private property designated for commercial use.

The approval of the Commission will be required before building permits shall be issued by the Borough.

B. Developing Guidelines, Bylaws and Operating Methods

The Commission shall develop guidelines, bylaws, and operating methods to carry out the work at hand, including methods of review and approval for projects under the Commissions' purview. These shall be sent to the Council for their information and made available to the public for their review.

C. Solicit and Offer Testimony and Opinions

The Community Art and Civic Design Commission shall solicit feedback from the residents and business owners of Wilkinsburg regarding issues of the design and aesthetics of public and private property under its purview. This feedback will be considered by the Commission during its deliberations and reviews about potential projects and planning initiatives.

The Community Art and Civic Design Commission may be consulted for opinions and feedback regarding design and aesthetic issues by local agencies, government offices, and community and citizens groups, for projects or planning initiatives not under their purview that will have an impact on Borough.

The Commission may work with the Borough whenever new developments are under consideration to ensure that appropriate design standards are included in the final plans.

The Commission may seek advice, assistance, and information from advisors with expertise in areas relevant to projects that appear before the Commission.

D. Research and Planning

In addition to serving the Borough as a review and approval entity, the Community Art and Civic Design Commission may engage in research and planning efforts for art and design issues in the Borough. Examples of planning efforts include, but are not limited to, an inventory of structures, landscapes, works of art, monuments, and memorials in the Borough; a public art plan; design guidelines and standards; streetscape plans; and the development of art and design resources.

E. Education

The Community Art and Civic Design Commission may organize educational programs, materials, and resources about art and design for the benefit of its members and citizens and business owners in the Borough.

F. Fundraising

With the approval of Council, the Commission may solicit and accept grants and contributions on behalf of the Borough, provided that such grants and contributions be made to underwrite the legitimate activities outlined in this chapter. Funds so obtained with the expended for the specific purpose(s) and / or stipulations set by the grantor or the Commission with the specific approval of the Council.

SECTION 4. PERMITS.

Approval from the Community Art and Civic Design Commission is required to obtain building permits from the Borough of Wilkinsburg for any project under its purview, as outlined in 3A above.

SECTION 5. APPLICATION REVIEW FEES.

The Community Art and Civic Design Commission may collect application fees and establish an application fee structure for projects that come before their review. Projects on property owned by the Borough of Wilkinsburg and other public entities will not be charged an application fee.

These fees will be held in an account to be used for expenses and initiatives of the Community Art and Civic Design Commission. The use of these funds shall be subject to the approval of the Council.

ORDAINED BY THE BOROUGH COUNCIL ON THIS 18th DAY OF NOVEMBER, 2009.

ATTEST:

BOROUGH OF WILKINSBURG




Marla P. Marcinko
Borough Manager/Secretary

By 

Eugenia Moore
Council President

EXAMINED AND APPROVED ON THIS 18th DAY OF NOVEMBER, 2009.


John Thompson
Mayor